IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.312 OF 2006

Shri Lekhraj G.Advani. ..Petitioner.

V/s.

Shailesh G. Advani & Anr. ..Respondents.

Mr.Nihar Ghag for Y.N.Adhia for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 12, 2007.

P.C. :

1. The grievance of the petitioner that the respondent has put up board, photograph whereof is placed on record at page 28, even if accepted as it is, it is not a case of civil contempt. This is so because, decree in favour of the petitioner is in terms of prayer clause (a), (b) and (d) of the plaint which read thus:

> "a) That this Hon'ble Court be pleased to restrain the Defendants, their servants and agents by a permanent order and injunction from obstructing and/or preventing the Plaintiff from entering and occupying the suit premises i.e. flat No.102, 1st floor, Sunil Building, 17, Meera Baug Lane, Behind-Saraswati Colony, Santacruz (West), Mumbai 400 054;
>
> b) That this Hon'ble Court be pleased to restrain the defendants, their servants and agents by a permanent order and injunction from interfering and/or disturbing the plaintiffs' use, occupation and possession of the

suit premises i.e. flat No.102, 1st floor, Sunil Building, 17, Meera Baug Lane, Behind-Saraswati Colony, Santacruz (West), Mumbai 400 054 in any manner whatsoever;

d) For costs of this suit;"

There is no injunction against the respondents to forebear from putting such board. It is not the case of the petitioner that on account of display of such board, the respondents have committed breach of the decree passed by the trial Court. The argument is that, the act of commission and omission amounts to lowering the majesty of the Court. If it is so, for such grievance, the remedy is one of criminal contempt.

2. At this stage, counsel for the petitioner seeks liberty to pursue this petition for criminal contempt action against the respondents.

3. Leave to amend as prayed is granted. Amendments be carried out within two weeks from today, failing which petition to stand dismissed for non-prosecution without further reference to the court.

4. If amendment is carried out in time, matter

be placed before appropriate bench.